

Magistrate Judge Paula L. McCandlis

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

MICHAEL D. SAFFORD
Defendant.

NO. MJ24-472

COMPLAINT FOR VIOLATION
18 U.S.C. §§ 922(g)(1)

BEFORE, PAULA L. McCANDLIS United States Magistrate Judge, United
States Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Felon in Possession of a Firearm)

On July 7, 2024, in King County, within the Western District of Washington,
Michael D-Andre SAFFORD, knowing he had been convicted of the following crime

1 punishable by imprisonment for a term exceeding one year:

2 *Conspiracy to Distribute Controlled Substances*, 2:18CR00131RAJ-019, in
3 the United States District Court, Western District of Washington, on or
4 about December 13, 2019,

5 did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that
6 is: a Springfield Armory XDM .40 caliber handgun, that had been shipped and
7 transported in interstate and foreign commerce.

8 All in violation of Title 18, United States Code, Section 922(g)(1).

9 And the complainant states that this Complaint is based on the following
10 information:

11
12 I, Kyle Uptain, being first duly sworn on oath, depose and say:

13 **AFFIANT'S BACKGROUND**

14 1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and
15 have been so employed since June 2023. I am an "investigative or law enforcement
16 officer of the United States" within the meaning of Title 18, United States Code, that is,
17 an officer of the United States who is empowered by law to conduct investigations of,
18 and to make arrests for, offenses enumerated in Title 18, United States Code.

19 2. I am currently assigned to the FBI Seattle Field Office. My responsibilities
20 include the investigation of federal criminal offenses, to include unlawful possession of
21 firearms. Prior to my employment as a Special Agent, I was a Staff Operations Specialist
22 with the FBI since July 2015, and assisted in the investigation of a variety of federal
23 criminal offenses, to include unlawful possession of firearms. I have received specialized
24 training by the FBI, including completing the Basic Field Training Course as a Special
25 Agent at the FBI Academy in Quantico, Virginia. Throughout my entire FBI career, I
26 have participated in many aspects of investigations, including but not limited to
27 interviewing suspects and witnesses, conducting surveillance, performing undercover
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1 operations, managing confidential sources, identifying victims, and executing search and
2 arrest warrants.

3 3. When this affidavit refers to the criminal history of a subject, either I or
4 other agents involved in the investigation have reviewed the available criminal history
5 from state or federal agencies. When I refer to beliefs or suspicions held by investigators,
6 these beliefs or suspicions are based upon training and experience.

7 4. When providing summaries of calls, text messages, events, and surveillance
8 observations/operations, all the times listed are approximate.

9 5. The facts in this affidavit come from my personal observations, my training
10 and experience, and information obtained from other law enforcement officers and
11 witnesses. I have also read reports written by law enforcement officers and watched video
12 recordings regarding the incident in this case. This affidavit is intended to merely show
13 there is sufficient probable cause for the above charge and does not set forth all of my
14 knowledge about this matter.

15
16 **SUMMARY OF PROBABLE CAUSE**

17 6. On July 7, 2024, an anonymous complainant walked into the East Precinct
18 of the Seattle Police Department and alerted officers to an unresponsive male located
19 approximately one block away. The anonymous complainant informed the male was
20 seated in a vehicle with the door open and had a gun hanging out of his pocket.

21 7. Seattle Police, including Officer Jessica Bailey, Officer Haden Barton,
22 Officer Jayde Brewer, and Officer Dirk Patin, responded to the location. Upon arrival,
23 Officer Brewer observed a male, later identified as SAFFORD, in the driver's side seat of
24 the vehicle with the door open and one of SAFFORD's legs positioned outside the
25 vehicle. Officer Brewer also observed SAFFORD was asleep, had a handgun hanging out
26 of his left pants pocket, and was seated next to an open container of what appeared to be
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1 an alcoholic beverage.

2 8. Officer Barton subsequently retrieved a Springfield Armory XDM .40
3 caliber pistol, serial number MB102508, from SAFFORD's top left pants pocket. The
4 firearm was found loaded with a magazine that contained multiple unspent .40 caliber
5 bullets and an additional .40 caliber bullet in the chamber.
6

7 9. Officers then woke SAFFORD, identified themselves as police, and asked
8 why SAFFORD had a gun sticking out of his pocket. SAFFORD immediately felt around
9 his waistband as if to check for a weapon. Seattle Police advised SAFFORD they already
10 secured the weapon and were investigating SAFFORD for driving under the influence.

11 10. SAFFORD said he did not have any identification and initially provided
12 officers with the false name of Joel D. Jackson. While Seattle Police attempted to confirm
13 SAFFORD's identity, SAFFORD initiated the following conversation with officers:

14 **SAFFORD:** "You opened the door and there was a gun where?"

15 **Officer Patin:** "I didn't open the door. Your door was open already. It was
16 hanging out your pocket."

17 **SAFFORD:** "Take a picture?"

18 **Officer Patin:** "Took a video. Even better. Hey, look... even better... video. Even
19 better... video. Just walked up quietly. Just said 'Hey, how're you doing? What's
20 going on?' Like... You're not responsive. Han... handle hanging out your
21 pocket."
22

23 [Approximate 15-second pause]

24 **SAFFORD:** "Can't argue with that."

25 11. SAFFORD eventually told officers to get his girlfriend and tell her he was
26 going to jail. SAFFORD also gave officers his real name, indicated he had a warrant with
27 the US Marshals Service, and told the officers to "cuff [him]." Seattle Police
28

1 subsequently placed SAFFORD in handcuffs, and read SAFFORD his Miranda rights,
2 which SAFFORD acknowledged he understood. Seattle Police simultaneously conducted
3 a Washington State Crime Information Center (WACIC) check of SAFFORD, using his
4 real name that he gave officers, and date of birth, which showed that SAFFORD had an
5 active federal warrant with the US Marshals Service. SAFFORD was also listed as a
6 convicted felon.
7

8 12. While Seattle Police verified the warrant, Officer Brewer asked SAFFORD
9 about the ownership of the gun, and SAFFORD responded that he had “nothing to say.”
10 Later at the East Precinct of the Seattle Police Department, Seattle Police asked
11 SAFFORD where the gun came from and SAFFORD responded, “I don’t even fucking
12 know.”

13 13. Special Agent Brian Arnold of the Bureau of Alcohol, Tobacco, Firearms
14 and Explosives (ATF), a court-recognized “interstate nexus” expert who has received
15 specialized training in identifying the manufacturers and/or importers of firearms and
16 ammunition, has reviewed photographs of the above firearm, which included the
17 firearm’s make, model, and serial number. Based on his review, Special Agent Arnold
18 opined the firearm meets the definition of “firearm” under federal law and the firearm
19 was manufactured outside the State of Washington. Therefore, the above firearm
20 necessarily traveled in interstate or foreign commerce before being recovered in King
21 County, Washington.
22

23 14. Finally, I have reviewed court records showing that SAFFORD has been
24 convicted for the following crime punishable by imprisonment for a term exceeding one
25 year which would federally prohibit him from possessing firearms:

26 *Conspiracy to Distribute Controlled Substances*, 2:18CR00131RAJ-019, in
27 the United States District Court, Western District of Washington, on or
about December 13, 2019.

28 A review of the Judgement for the above case indicates that SAFFORD pleaded guilty to

1 the charge and was sentenced to a term of imprisonment of 60 months. At the time of his
2 arrest, SAFFORD was also on supervision with US Probation and Pretrial Services,
3 Western District of Washington.
4

5 **CONCLUSION**

6 15. Based on the above facts, I respectfully submit that there is probable cause
7 to believe that SAFFORD has committed the offense of: Felon in Possession of a
8 Firearm, in violation of Title 18, United States Code, Sections 922(g)(1).
9

10 DATED this 29 day of July, 2024.

11 

12 KYLE UPTAIN
13 Special Agent
14 Federal Bureau of Investigation
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16 The above-named agent provided a sworn statement attesting to the truth of the
17 foregoing Complaint and Affidavit. Based on the Complaint and Affidavit, the Court
18 hereby finds there is probable cause to believe the Defendant committed the offense set
19 forth in the Complaint.

20 DATED this 8th day of August, 2024.

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22 HON. PAULA L. McCANDLIS
23 United States Magistrate Judge
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